

## MINUTES OF REGULAR MEETING HELD SEPTEMBER 26, 2017

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, September 26, 2017 at 8:00 p.m.

Mayor Skibitsky made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 22, 2016. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Skibitsky, Council Members Arena, Neylan, LoGrippo, Loughlin, Della Fera, Donnelly, Oliveira, Stokes

**ABSENT:**

Invocation was given by Councilman Arena

**PRESENTATIONS**

Mayor Skibitsky read the following proclamation:

*Town of Westfield*  
*Westfield, New Jersey*  
**PROCLAMATION**

***The Westfield Service League***  
***85<sup>th</sup> Anniversary Celebration***

**WHEREAS**, the Westfield Service League, founded in 1932 by a group of 19 young women who wanted to raise money to aid those suffering from the effects of the Depression, has actively assisted the greater Westfield community through volunteer service and charitable donations for 85 years; and

**WHEREAS**, in 1933, the Westfield Service League began managing the Westfield Thrift Shop, providing clothes to those in need and purchasing war bonds with profits; and

**WHEREAS**, in 1962, Westfield Service League founded the highly successful Consignment Shop as a parallel retail venture; and

**WHEREAS**, since its founding, the Westfield Service League has established a long tradition of providing volunteer hours in support of community service institutions, including Children’s Specialized Hospital, the Westfield Volunteer Rescue Squad, the Westfield Day Care Center, the Well Baby Clinic, the Food Pantry and Mobile Meals; and

**WHEREAS**, currently, there are 182 volunteers who generously give of their time for the greater good of this community and beyond; and

**WHEREAS**, since 1941, the Westfield Service League has made donations of over \$2,743,000 to more than 40 organizations, including the Westfield Rescue Squad; Red Cross; Youth and Family Counseling; Community Center; Neighborhood Council; Day Care Center; Westfield “Y”; Westfield Food Pantry; Department of Human Services; Contact-We-Care; N.J. Association for Retarded Citizens; and Visiting Nurse and Health Services; and

**WHEREAS**, this year alone, the Westfield Service League provided nearly \$60,000 in grants to local non-profits, including Roots and Wings, Streetlight Mission, Imagine, Elizabeth Coalition, and Planned Lifetime Assistance; and

**WHEREAS**, the Town of Westfield would like to express its gratitude to the Westfield Service League volunteers of today and yesterday for their dedication and service to the community;

**NOW, THEREFORE, BE IT PROCLAIMED**, that I, Mayor Andrew K. Skibitsky, on behalf of the Town Council and the good citizens of the Town of Westfield, do hereby thank the past and present volunteers of the Westfield Service League for their steadfast commitment to helping others as well as offer congratulations to the League on the occasion of its 85<sup>th</sup> Anniversary Celebration.

Westfield First

Out Run Your Fork – 361 South Avenue East

Juxtapose Gallery – 58 Elm Street

Dirt Clean Culture Beauty Shop – 519 South Avenue West

## **APPOINTMENT**

## **ADVERTISED HEARINGS**

“GENERAL ORDINANCE NO. 2087, AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13”

Withdrawn

“SPECIAL ORDINANCE NO. 2209 AN ORDINANCE OF THE TOWN OF WESTFIELD IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$700,000 FOR A PROGRAM OF REVALUATION OF REAL PROPERTY IN, BY AND FOR THE TOWN”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

## **PENDING BUSINESS**

An ordinance entitled, “SPECIAL ORDINANCE NO. 2209 AN ORDINANCE OF THE TOWN OF WESTFIELD IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$700,000 FOR A PROGRAM OF REVALUATION OF REAL PROPERTY IN, BY AND FOR THE TOWN”

Introduced by Councilwoman Neylan, seconded by Councilman Arena, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:

Arena  
Neylan  
LoGripipo  
Loughlin  
Della Fera  
Donnelly  
Oliveira  
Stokes  
Mayor Skibitsky

Nays:

Absent:

**BIDS**

**TOWN OF WESTFIELD  
INVITATION TO BID  
WEDNESDAY, September 20, 2017  
2017 IMPROVEMENT TO BOULEVARD  
(between Washington Street & Grove Street)**

**Bidder**

**Amount of Bid**

Cifelli & Son General Contracting Inc.	\$307,640.00
81 Franklin Avenue	
Nutley, NJ 07110	
Top Line Construction Corp.	\$274,346.79
22 Fifth Street	
Somerville NJ 08876	
American Asphalt & Milling Services LLC	\$256,571.50
96 Midland Avenue	
Kearny, NJ 07032	
Fischer Contracting Inc.	\$265,025.25
10 Short Hills Lane	
Scotch Plains, NJ 07076	
CCM Contracting Inc.	\$237,102.75
Green Brook, NJ	
Stilo Excavating Inc.	\$291,240.20
2907 South Clinton Avenue	
South Plainfield, NJ 07080	

**MINUTES**

On a motion by Councilman Donnelly seconded by Councilwoman Neylan, Council approved the Minutes of the Town Council Conference Session & Regular Meeting held September 12, 2017.

## **PETITIONS AND COMMUNICATIONS**

### **OPEN DISCUSSION BY CITIZENS**

Tim Harrington, owner of property on Elm Street, spoke about Hudson Bay Company that owns Saks and Lord & Taylor and about Montclair's Central Business District and submitted some documents to the Clerk.

Kevin Monroe of 307 Windsor Avenue, spoke about a permit he received to hold the annual Unity Games at Windsor Park and thanked the Mayor and some of the Councilmen for attending. He complained that the police came the next day because he was continuing his event on the public property, but did not have a permit for that day. He said that it happens every year and he demanded to know why a certain policeman is always working on Labor Day. Mayor asked if he could get a permit for two day instead of one. Administrator stated that was possible. Mayor told Mr. Monroe that he should come to his office to talk to him before the event next year and they would work it out.

Greg Kasko of 434 Everson Place said he wanted to clear up a misquote in the newspaper from the last time he spoke at the microphone. He said he did not say there were sidewalk cafes operating without a license, but he rather accused them of operating without insurance. He then spoke about social media posts regarding occupancy rates in downtown Westfield as well as other towns and said that the posts were inaccurate.

Catherine Haldeman of 446 Edgewood Avenue spoke regarding the parklet in the downtown. She said that she had read on Facebook that somebody who attempted to use the parklet was turned away by one of the restaurants because they said it was reserved table. The Mayor asked if the person who was turned away was her and she responded that it was not. She praised the Mayor for previously responding by email to many questions about the parklet and its use earlier in the summer, but because of this Facebook post it was not working as intended. She said she does not think taxpayers should pay to promote private business. Mayor responded that the parklet is currently in its trial period and the Town has received many comments about the parklet which will all be considered this winter before any installation next year. He said that the town did pay for the parklet and asked the restaurants that they provide tables and chairs and that they were not to be reserved. The Mayor indicated that the Town cannot react to a Facebook post that allegedly happened, but that he has seen the parklet used by many people at all times of the day and that it has been a success in its first season.

Debby Burslem of 256 Kimball Avenue spoke about the parklet and said she thought it was a private/public endeavor to help the downtown and asked if that was not true. The Mayor reiterated that the parklet program is in its trial period and will be evaluated before next season.

Adrian Pastore of 408 Poe Avenue spoke about the negative banter on social media and said she believes if you have an issue you should confront the person face to face. She said she happened to be on a social media site and saw a photo of a sign from the Festifall provided by the Republican party that said "We are the party of Westfield" and she took exception to that statement because she perceived it to mean that since she is a Democrat that meant her voice would not be heard. Mayor responded that she had misinterpreted the slogan. He said he has been using that slogan since he took office meaning that party politics should not matter at a local level and he was really saying "We are the party of Westfield, not the party of Republicans or Democrats". He told Ms. Pastore to watch his videos where the slogan is more fully explained.

## **BILLS AND CLAIMS**

Introduced by Councilwoman Neylan, seconded by Councilman LoGrippe were adopted with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$237,534.16 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

**REPORTS OF STANDING COMMITTEES:**

Finance Policy Committee

The following resolutions, introduced by Councilwoman Neylan, Chairman of the Finance Policy Committee, seconded by Councilman Loughlin were unanimously adopted.

(215) RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2014-2016 pursuant to the Tax Court of New Jersey:

Block/Lot			
<u>Name</u>	<u>Address</u>	<u>Year</u>	<u>Amount</u>
3113/13	325 North Avenue East	2014	\$8,557.00
True North Avenue East, LLC		2015	\$10,176.35
		2016	<u>\$11,737.70</u>
			\$30,471.05

**Checks payable to:**

True North Avenue East, LLC  
in care of Valerie Hofer, Esq Trust Account

**Mail to:**

The Law Office of Valerie Hofer, Esq  
120 Lebbie Lane  
Fairless Hills, PA 19030

(216) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2017:

Block/Lot/Qualifier		
<u>Name</u>	<u>Property Address</u>	<u>Amount</u>
405/9	440 Roanoke Road	\$5,421.92
HIMMELBAUM, Canaan		
<b>Mail to:</b>		
130 Boynton Court		
Westfield, NJ 07090		
2101/40	8 Gallowae	\$4,587.19
MARTIN, Christopher J		
2604/16	837 North Avenue West	\$1,115.98
SCHNAKENBERG, John H		
<b>Mail to:</b>		
230 Oak Tree Road		
Mountainside, NJ 07092		
2816/17		
NOVELLO, Nicholas C	776 Austin Street	\$3,078.28
<b>Mail to:</b>		
NCN Properties, LLC		
2033 Westfield Avenue		
Scotch Plains, NJ 07076		

3406/1

828 Fourth Avenue

\$262.75

CARLSON, Christine

(217) WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

App #	Name	Address	G/L	Refund Balance
PB 15-03	Creative Beginnings, LLC.	808 South Avenue W.	7-05-550-233	\$715.84
Return to:	Creative Beginnings, LLC.	808 South Avenue W.	Westfield NJ	07090
PB 15-08	North 433 LLC.	433 North Avenue E.	7-05-550-237	\$799.38
Return to:	REDCOM	433-437 North Avenue E.	Westfield NJ	07090
PB15-11	Daunno Development Co.	1517 Rahway Avenue	7-05-550-240	\$1,087.24
Return to:	Daunno Development Company	251 Westfield Avenue	Clark NJ	07066
PB 15-23	Audrey Kelly-Murray	754 Hyslip Ave	7-05-550-249	\$788.94
Return to:	Ferro Builders Construction LLC	1037 Central Avenue	Westfield NJ	07090
PB 15-27	Limani Seafood Grill	235 North Avenue W	7-05-550-253	\$451.44
Return to:	Limani Seafood Grill	235 North Avenue W	Westfield NJ	07090
PB 16-02	Westfield Superstore, LLC.	430 North Avenue E	7-05-550-255	\$584.56
Return to:	Westfield Superstore, LLC.	430 North Avenue E	Westfield NJ	07090
PB 16-06	Avinash Nigam	900 Cranford Avenue	7-05-550-259	\$908.52
Return to:	Avinash Nigam	70 Hill Hollow Road	Watchung NJ	07069
PB 16-07	Ferraro’s Realty Group, LLC	425 S. Elmer Street	7-05-550-260	\$510.65
Return to:	Ferraro’s South	425 S. Elmer Street	Westfield NJ	07090
PB 16-09	Eric Tunis/Donna Gruzczak	121 Benson Place	7-05-550-262	\$933.15
Return to:	Lindabury McCormick	P.O. Box 2369	Westfield NJ	07091
PB 16-10	North Jersey Lash 2, LLC.	225 East Broad St.	7-05-550-263	\$929.60
Return to:	Hehl&Hehl	370 Chestnut Street	Union NJ	07083
PB 16-12	John Franks Realty Co., Inc.	225 East Broad St.	7-05-550-265	\$450.71
Return to:	John Franks Realty Co., Inc.	P.O. Box 2566	Westfield NJ	07091
PB 16-13	686 Westfield Avenue, LLC.	686 Westfield Avenue	7-05-550-266	\$457.81
Return to:	686 Westfield Avenue, LLC	4 Little Falls Way	Scotch Plains NJ	07076
PB 16-16	DiFarina Pizzeria	107 East Broad Street	7-05-550-269	\$126.42

Council Meeting		- 7 -	September 26, 2017		
<b>Return to:</b>	<b>Triarsi, Betancourt, Wukovits</b>	<b>186 North Avenue East</b>	<b>Cranford NJ</b>	<b>07016</b>	
PB 16-19	Denise & Tom Powers	15 Stanley Oval	7-05-550-272	\$227.12	
<b>Return to:</b>	<b>Powers at Birch Glen, LLC.</b>	<b>P.O. Box 4449</b>	<b>Warren NJ</b>	<b>07059</b>	
PB 16-20	Wells Fargo Bank, N.A.	150 Elm Street	7-05-550-273	\$114.27	
<b>Return to:</b>	<b>EMG</b>	<b>10461 Mill Run Circle Suite #1100</b>	<b>Owings Mills MD</b>	<b>21117</b>	
PB 16-21	Justin & Lindsay Bliss	914 Coolidge Street	7-05-550-274	\$50.35	
<b>Return to:</b>	<b>Lindabury McCormick</b>	<b>P.O. Box 2369</b>	<b>Westfield NJ</b>	<b>07091</b>	
BOA 16-64	Mariana Bozzetti	528 West Broad St.	7-05-560-590	\$949.47	
<b>Return to:</b>	<b>Mariana Bozzetti</b>	<b>1074 Maurice Avenue</b>	<b>Rahway NJ</b>	<b>07065</b>	
BOA 16-68	Bruno Tedeschi	738 Mountain Avenue	7-05-560-594	\$199.47	
<b>Return to:</b>	<b>Bruno Tedeschi</b>	<b>738 Mountain Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 16-70	Schiller McMahon	123 South Avenue East	7-05-560-596	\$250.00	
<b>Return to:</b>	<b>Schiller McMahon</b>	<b>123 South Avenue East</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-03	Mitchell & Isabel Peixoto	762 Carleton Road	7-05-560-600	\$199.47	
<b>Return to:</b>	<b>Mitchell &amp; Isabel Peixoto</b>	<b>762 Carleton Road</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-04	Michael & Liana Revock	414 Lenox Avenue	7-05-560-601	\$424.20	
<b>Return to:</b>	<b>Michael &amp; Liana Revock</b>	<b>414 Lenox Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-05	Frances Connors	518 Kimball Avenue	7-05-560-602	\$199.47	
<b>Return to:</b>	<b>Frances Connors</b>	<b>518 Kimball Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-06	Joshua Dunkelman	226 S. Scotch Plains Avenue	7-05-560-603	\$449.47	
<b>Return to:</b>	<b>Joshua Dunkelman</b>	<b>226 S. Scotch Plains Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-07	William & Jennifer McSweeney	750 First Street	7-05-560-604	\$499.47	
<b>Return to:</b>	<b>William &amp; Jennifer McSweeney</b>	<b>750 First Street</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-08	Robert Hickey	725 Dorian Road	7-05-560-605	\$424.20	
<b>Return to:</b>	<b>Robert Hickey</b>	<b>725 Dorian Road</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-09	Neil & Hilary Brown	543 Prospect Street	7-05-560-606	\$449.47	
<b>Return to:</b>	<b>Neil &amp; Hilary Brown</b>	<b>543 Prospect Street</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-10	Wayne & Gordon Holder	324 Livingston Street	7-05-560-607	\$398.94	
<b>Return to:</b>	<b>GW Realty Associates</b>	<b>506 New Jersey Avenue</b>	<b>Brick NJ</b>	<b>08724</b>	
BOA 17-11	Joseph & Migdalia Marotte	7 Mohawk Trail	7-05-560-608	\$924.20	
<b>Return to:</b>	<b>Joseph &amp; Migdalia Marotte</b>	<b>7 Mohawk Trail</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-12	W. Erik Wnuck	109 Surrey Lane	7-05-560-609	\$449.47	
<b>Return to:</b>	<b>W. Erik Wnuck</b>	<b>109 Surrey Lane</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-13	Diane Nigam	837 Ramapo Way	7-05-560-610	\$174.20	
<b>Return to:</b>	<b>Diane Nigam</b>	<b>837 Ramapo Way</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-15	Subhash & Roopa Makhija	910 Dunham Avenue	7-05-560-612	\$924.20	
<b>Return to:</b>	<b>Subhash &amp; Roopa Makhija</b>	<b>910 Dunham Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>	
BOA 17-17	Ronald Allen	118 N. Scotch Plains Ave	7-05-560-614	\$199.47	

<b>Return to:</b>	<b>Ronald Allen</b>	<b>118 N. Scotch Plains Ave</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-18	Michael & Soon Benham	329 Kimball Avenue	7-05-560-615	\$199.47
<b>Return to:</b>	<b>Michael &amp; Soon Benham</b>	<b>329 Kimball Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-19	Matthew McCabe	642 Scotch Plains Avenue	7-05-560-616	\$949.47
<b>Return to:</b>	<b>Matthew McCabe</b>	<b>642 Scotch Plains Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-20	Matthew Felix	603 Hillcrest Avenue	7-05-560-617	\$699.47
<b>Return to:</b>	<b>Matthew Felix</b>	<b>603 Hillcrest Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-24	Brian Stinton	653 Hillcrest Avenue	7-05-560-621	\$199.47
<b>Return to:</b>	<b>Brian Stinton</b>	<b>653 Hillcrest Avenue</b>	<b>Westfield NJ</b>	<b>07090</b>
BOA 17-25	Brian Paul	25 Sunnywood Drive	7-05-560-622	\$949.47
<b>Return to:</b>	<b>Brian Paul</b>	<b>25 Sunnywood Drive</b>	<b>Westfield NJ</b>	<b>07090</b>

(218) BE IT RESOLVED that the Town Attorney is hereby authorized to sign Stipulations of Settlement, pursuant to which the assessment for the property located at 214 Grove Street East (Block 4803, Lot 2) (a) for the years 2011 and 2012 shall be changed to \$474,000, (b) for the year 2013 shall be changed to \$424,000, and (c) for the year 2014 shall be changed to \$449,000.

(219) WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THERFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2017 in the sum of \$7,581.18, of which \$7,480.24 is now available from the Division of Highway Traffic Safety Drunk Driving Enforcement Fund along with \$100.94 from previously received and unappropriated grant funds; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
Drunk Driving Enforcement Fund	\$7,581.18

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

The following resolution, introduced by Councilwoman Neylan, seconded by Councilman Stokes was adopted by the following roll call vote:

(220) BE IT RESOLVED by the Town Council of the Town of Westfield, in the County of Union, New Jersey (the "Town") (not less than two-thirds of all members thereof affirmatively concurring), as follows:

Section 1. Pursuant to the Local Budget Law and an ordinance adopted by the Town Council of the Town on September 26, 2017 (the "Ordinance"), the Town appropriated \$700,000 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53 for the preparation and execution of a program of revaluation of real property. Pursuant to N.J.S.A. 40A:4-55, \$700,000 principal amount of Special Emergency Notes are hereby authorized to be issued.



Section 2. Such notes are hereby authorized to be issued pursuant to the Ordinance and this resolution and shall be negotiable notes payable to bearer, and shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and such interest shall be payable at the maturity of such notes. The notes shall be dated on or about the date of their issuance and may be renewed from time to time, but at least 1/5 of the total amount of notes hereby authorized, and the renewals thereof, shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution. The issuing officers are authorized to provide that the notes may be redeemable at the option of the Town.

Section 3. The Mayor and the Chief Financial Officer are hereby authorized to execute said notes, and the Town Clerk is hereby authorized to affix the seal of the Town to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

Section 4. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefor.

Section 5. The Town Council hereby designates the Special Emergency Notes as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). It is hereby determined and stated that the Special Emergency Notes (1) are not "private activity bonds" as defined in the Code and (2) the Town and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2017. The Town will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Town does not covenant to do so, and expressly states that a covenant is not made hereby.

Section 6. A certified copy of this resolution shall be filed with the Director of the Division of Local Government Services.

Section 7. This resolution shall take effect immediately upon its adoption.

Yeas: Arena

Nays:

Absent:

Neylan

LoGrippe

Loughlin

Della Fera

Donnelly

Oliveira

Stokes

Mayor Skibitsky

#### Public Safety, Transportation and Parking Committee

#### Code Review & Town Property Committee

The following resolution, introduced by Councilman Della Fera, Chairman of the Code Review and Town Property Committee, seconded by Councilman LoGrippe were unanimously adopted.

(221) RESOLVED that the following application for children's amusement devices be approved:

Big Mark’s Action Park	Pumpkin Fair	Benjamin Franklin School
1819 NJ-35	October 14, 2017	700 Prospect Street
South Amboy, NJ 08879	700 Prospect Street	Westfield, NJ 07090
	10:00AM-4:00PM	

Public Works Committee

The following resolution, introduced by Councilman Oliveira, Chairman of the Public Works Committee, seconded by Councilwoman Neylan were unanimously adopted.

(222) WHEREAS, T. Fiotakis Construction is under contract to the Town of Westfield for the 2015 Sidewalk Replacement Program as authorized by the Special Ordinance 2199 and Special Ordinance 2205, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Special Ordinance 2203A.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$8,985.00 executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the 2015 Sidewalk Replacement Program increasing the contract price to \$57,435.00.

(223) WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2018 for the Improvement of Grove Street, West, between Central Avenue and Summit Avenue, consisting of road reconstruction and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Westfield Township-00432 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

(224) WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2018 for the Improvement of Grove Street, West, between Rahway Avenue and Summit Avenue, consisting of road reconstruction and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Westfield Township-00435 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

(225) WHEREAS, sealed bids were received by the Town Clerk on September 20, 2017 for the 2017 Improvement of Boulevard in Westfield, New Jersey as authorized by S.O. 2208A, and

WHEREAS, the low bid, in the amount of \$237,102.75 submitted by CCM Contracting Inc., 336 Route 22 West, Green Brook, NJ 08812 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2208A.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$237,102.75 be awarded to CCM Contracting Inc., and under Purchase Order #17-03976, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents, and

BE IT FURTHER RESOLVED, that award of this contract is subject to concurrence of award from the New Jersey Department of Transportation.

**Reports of Department Heads**

Upon motion by Councilman LoGrippe, seconded by Councilwoman Neylan the meeting was adjourned at 9:06 p.m.

Claire J. Gray

Town Clerk